

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 561 - HB 1532

April 20, 2021

SUMMARY OF ORIGINAL BILL: Revises release eligibility for defendants receiving a sentence of imprisonment for life for first degree murder.

FISCAL IMPACT OF ORIGINAL BILL:

Decrease State Expenditures – \$2,468,600 Incarceration*

Other Fiscal Impact – The first year of realized savings are estimated to be \$1,234,297 in FY21-22.

SUMMARY OF AMENDMENT (007365): Deletes all language after the enacting clause and rewrites the bill without making any substantive changes.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 40-35-501(h); release eligibility for defendants receiving a sentence of imprisonment for life for first degree murder is only available for certain defendants committing the offense between November 1, 1989 and July 1, 1995 or offenses after July 1, 1995 after serving at least 51 years.
- The proposed legislation permits any defendant who is sentenced to life imprisonment for first degree murder to be eligible for release after serving 60 percent of 60 years, with a minimum 25 years required prior to parole eligibility.
- The proposed legislation has retroactive applicability and applies to offenders which are currently incarcerated for first degree murder with a sentence of life imprisonment.
- This analysis estimates the highest cost for admissions in the next 10 years; therefore, any admission time affected by the proposed legislation exceeding 10 years in length surpasses the window of this analysis.
- Based on information provided by the Department of Correction (DOC), there are 79 offenders incarcerated for first degree murder where the offense occurred prior to 1989 that will be eligible for parole under the proposed legislation.

- According to the DOC, the average operating cost per offender per day for calendar year 2021 is \$80.46.
- Pursuant to Tenn. Code Ann. § 9-4-210, 79 offenders will be released serving 3,652.5 (365.25 x 10) fewer days. The annualized decrease in state incarceration expenditures is estimated to be \$2,321,653 ($\$80.46 \times 3,652.5 \times 79 / 10$).
- Release eligibility for a person committed first degree murder on or after November 1, 1989, but prior to July 1, 1995 and sentenced to imprisonment for life is consistent with the proposed legislation. Any impact to state incarceration is estimated to be not significant.
- Pursuant to Tenn. Code Ann. § 40-35-501(h)(2), there is no release edibility for a person that committed first degree murder on or after July 1, 1995 until the person serves at least 51 years [60 years – (60 x 15% reduction credits)].
- Based on information provided by the DOC, there 1,544 offenders incarcerated for the offense of first degree murder with life imprisonment where the offense occurred on or after July 1, 1995.
- Under the proposed legislation such individuals will be eligible for parole after serving 25 years.
- This analysis assumes the proposed legislation will result in an annual average of five offenders paroled after serving 25 years.
- Pursuant to Tenn. Code Ann. § 9-4-210, five offenders will be released each year serving 3,652.5 (365.25 x 10) fewer days. The annualized decrease in state incarceration expenditures is estimated to be \$146,940 ($\$80.46 \times 3,652.5 \times 5 / 10$).
- The total annualized decrease in state incarnation expenditures resulting from the proposed legislation is estimated to be \$2,468,593 ($\$2,321,653 + \$146,940$).
- The proposed legislation takes effect July 1, 2021. It's reasonable to assume any releases resulting from the proposed legislation will not occur until at least January 2022. It is assumed the savings over the next ten fiscal years will be as follows:

Fiscal Year	Estimated Savings
FY21-22	\$ 1,234,297
FY22-23	\$ 2,468,593
FY23-24	\$ 2,468,593
FY24-25	\$ 2,468,593
FY26-27	\$ 2,468,593
FY27-28	\$ 2,468,593
FY28-29	\$ 2,468,593
FY29-30	\$ 2,468,593
FY30-31	\$ 2,468,593

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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